

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL

In the Matter of )

Bell Operating Companies' Joint )

Petition for Waiver of )

Computer II Rules; )

Ameritech's Plan to Provide )

Comparably Efficient Interconnection )

to Providers of Personal Access Service )

CC Docket Nos. 85-229

90-623

95-20 ✓

RECEIVED

SEP 25 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

MCI TELECOMMUNICATIONS CORPORATION

Frank W. Krogh  
Donald J. Elardo  
1801 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(202) 887-2372

Dated: September 25, 1995

No. of Copies rec'd  
List ABCDE

027

## TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
SUMMARY . . . . .	ii
Ameritech's PAS Description . . . . .	2
I.    AMERITECH'S CEI PLAN MUST BE REJECTED BECAUSE IT DENIES OTHER SERVICE PROVIDERS EQUAL ACCESS TO THE BASIC PAS PLATFORM . . . . .	4
A.    Ameritech's PAS is Largely a Basic Service . . . .	4
B.    Ameritech's CEI Plan Should Therefore Offer ESPs Equal Access to its PAS Platform . . . . .	8
II.   AMERITECH'S PAS RAISES NUMBER PORTABILITY ISSUES .	10
CONCLUSION . . . . .	12

## SUMMARY

MCI Telecommunications Corporation (MCI) opposes Ameritech's CEI Plan for its Personal Access Service (PAS). The CEI Plan describes PAS as essentially an inbound routing and call forwarding service with some additional functions accessed from the PAS platform, such as voice mail and, in the future, store and forward fax. The CEI Plan treats PAS as an enhanced service under the Commission's Rules and Regulations and accordingly provides for equal access for all enhanced service providers (ESPs) to the basic network services used in providing PAS.

Because PAS is essentially a routing and call forwarding service, however, it must be treated as a basic common carrier service regulated under Title II of the Communications Act and thus should be tariffed. Because PAS is largely a basic service, with enhanced functions accessed from the PAS platform, Ameritech's CEI Plan for PAS should offer ESPs access to the PAS platform itself that is equal to the access enjoyed by the Ameritech voice mail service, or any other enhanced service, that is accessed from the PAS platform. The Commission's CEI rules require that a Bell Operating Company (BOC) provide ESPs equal access to the basic network services that are used in providing the BOC's own enhanced services. Thus, the basic services underlying the BOC's enhanced services must be available at the same rates and on the same terms and conditions to all other ESPs. Since Ameritech's CEI Plan does not propose to tariff PAS

and does not offer ESPs equal access to the basic PAS platform underlying the enhanced functions accessed from the PAS platform, it must be rejected.

Moreover, the CEI Plan raises number portability issues. It offers access to several services through a single number. Ameritech should not be allowed to offer its own customers service portability in this manner without making such portability available to all other vendors. If Ameritech is allowed to treat PAS as an enhanced service, it is not clear whether Ameritech will be required to provide such service portability to other service providers upon reasonable request. Furthermore, Ameritech should not be allowed to pursue this service portability solution in advance of the Commission's resolution of number portability issues in its pending rulemaking proceeding. By locking in customers now to a wide range of services with its service portability solution, Ameritech's PAS threatens to stifle new competitive entry by providers offering less than a full range of services. Such an anticompetitive offering should not be allowed, whether or not it is tariffed.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of )

Bell Operating Companies' Joint )

Petition for Waiver of )

Computer II Rules; )

Ameritech's Plan to Provide )

Comparably Efficient Interconnection )

to Providers of Personal Access Service )

CC Docket Nos. 85-229

90-623

95-20

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

MCI Telecommunications Corporation (MCI), by its undersigned attorneys, hereby submits its comments on Ameritech's Comparably Efficient Interconnection (CEI) plan for its Personal Access Service (PAS).<sup>1/</sup> As explained more fully below, Ameritech's PAS is largely a basic service, with one or perhaps more enhanced features. As such, PAS should be largely tariffed, and its CEI plan should offer other vendors of enhanced services equal access to its PAS platform. Since its CEI plan fails to do so, it should be rejected. Ameritech's description of its PAS also raises issues relating to number portability. It offers a single number for several different services, apparently via call forwarding. Ameritech should not be allowed to offer its own customers service portability without making such portability available to all other vendors.

<sup>1/</sup> Public Notice DA 95-1936 (released Sept. 11, 1995).

Ameritech's PAS Description

Ameritech proposes to use its PAS platform to provide a single telephone number via which a customer can be reached, regardless of location. Incoming calls may be directed to a home, office, fax, cellular, PCS or voice mail number, or delivery may be attempted to a list of alternative numbers until answered. PAS is a centrally located "call routing and forwarding service"<sup>2/</sup> that works either in conjunction with individual exchange access line service or on a stand-alone basis.

PAS routing and forwarding features include:

- a) Voice Mail -- PAS uses an integrated voice mail system or may be arranged to work with external voice mail systems. PAS provides out-dialing capability, allowing customers the option of responding directly to voice mail messages. Upon completion of a call, customers are placed back into the PAS system without having to redial a PAS number.
  
- b) Fax -- fax calls may be stored for later delivery or may be routed to a fax machine. In the future, PAS will provide a full fax store and forward functionality.

---

<sup>2/</sup> Ameritech CEI Plan at 2.

- c) Call screening -- calls to a PAS number may receive customized call routing and forwarding based on the caller's originating telephone number or through use of a code provided to the caller. PAS customers can also have "recorded name" and "spoken caller number" screening. Recorded name screening asks callers to record their own names, thereby allowing the PAS customer to decide whether to accept the call or route it to voice mail. Spoken caller number screening announces the caller's number to the PAS customer.
- d) Call routing -- Calls to a PAS number may be routed by a variety of methods. Callers can be given a choice of routing options or recorded announcements.

Ameritech treats the entire PAS platform as an enhanced service and accordingly proposes CEI parameters providing other vendors with access to the basic services underlying the PAS platform.

All of the features and services delivered by Ameritech's Personal Access Service will utilize underlying basic services that are available at the same rates, and on the same terms and conditions, to unaffiliated providers of enhanced services.

....

### III. CEI Parameters

#### A. Interface Functionality

Both Ameritech's Personal Access Service and

enhanced services of other unaffiliated providers will access the network through existing standard line and trunk network interfaces.... All access arrangements will be available to Ameritech and all other providers of competing services at the same rates, and on the same terms and conditions....

#### B. Unbundling of Basic Services

The basic services to be used to provide Ameritech's Personal Access Service are listed and described in Exhibit A. All such basic services will be available to affiliated and unaffiliated enhanced service providers at the same rates, and on the same terms and conditions. These services will be available on an unbundled basis from tariffs, as appropriate in each jurisdiction served by Ameritech.<sup>3/</sup>

Ameritech discusses each of the other CEI parameters and related safeguards in the same manner.<sup>4/</sup>

### I. AMERITECH'S CEI PLAN MUST BE REJECTED BECAUSE IT DENIES OTHER SERVICE PROVIDERS EQUAL ACCESS TO THE BASIC PAS PLATFORM

#### A. Ameritech's PAS is Largely a Basic Service

Under the Commission's Rules, enhanced services

shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under title II of the Act.

47 C.F.R. § 64.702(a). Basic service, which is regulated under

---

<sup>3/</sup> Ameritech CEI Plan at 2, 4-5.

<sup>4/</sup> Id. at 5-8.



Title II of the Communications Act and thus is tariffed, is the common carrier offering of transmission capacity for the movement of information. In offering a basic transmission service, a carrier offers a transmission capability "that is virtually transparent in terms of its interaction with customer supplied information."<sup>5/</sup>

It has always been clear that, since computers are used in every aspect of telecommunications, including the switching of basic telephone calls, the use of computer processing does not, in and of itself, make a service enhanced. In Computer II, the Commission noted that:

At footnote 60 of the *Tentative Decision*, we stated that we are not foreclosing enhanced processing applications from being performed in conjunction with 'voice' service. We indicated that "computer processing applications such as call forwarding, ... may be used in conjunction with 'voice' service." *Id.* The intent was to recognize that while POTS is a basic service, there are ancillary services directly related to its provision that do not raise questions about the fundamental communications or data processing nature of a given service. Accordingly, we are not here foreclosing telephone companies from providing to consumers optional services to facilitate their use of traditional telephone service.<sup>6/</sup>

Citing Computer II, the Commission later expanded on this

---

<sup>5/</sup> Amendment of Section 64.702 of the Commission's Rules and Regulations, 77 FCC 2d 384, 420 (1980) (Computer II Order), mod. on reconsideration, 84 FCC 2d 50 (1981) (Computer II Recon.), mod. on further reconsideration, 88 FCC 2d 512 (1981), aff'd sub nom. Computer and Communications Industry Ass'n v. FCC, 693 F.2d 198 (D.C. Cir. 1982), cert. denied, 461 U.S. 938 (1983).

<sup>6/</sup> Computer II Order, 77 FCC 2d at 421.

distinction in the NATA/Centrex proceeding:

The computer processing services we there recognized as permissible adjuncts to basic services are services which might indeed fall within possible literal readings of our definition of an enhanced service, but which are clearly "basic" in purpose and use and which bring maximum benefits to the public through their incorporation in the network.<sup>1/</sup>

NATA/Centrex applied the "adjuncts to basic services" concept to features that essentially route calls:

In the case of speed dialing and call forwarding, the stored telephone numbers specified by the customer and the customer's interaction with that stored information serve but one purpose: facilitating establishment of a transmission path over which a telephone call may be completed....

Another characteristic of a "basic" adjunct to basic service is that it does not alter the fundamental character of telephone service. The distinction between call forwarding and the voice storage services in *Custom Calling II* service illustrates this principle. Allowing a subscriber to reroute calls to another number does not materially change the nature of a telephone call placed to that subscriber. The result of the rerouting is that, if the telephone to which the call is routed is picked up, the customers obtain an open transmission channel between their telephones; in other words, they get ordinary, basic telephone service. By using a voice mailbox-type service, on the other hand, subscribers obtain the use of a storage facility into which messages can be placed for later retrieval. A transmission channel is not created between caller and the intended destination of the caller's communication. Such a service has, accordingly, been found to be enhanced, because it employs subscribers interactions with stored information for the purpose of providing a service which is not a basic transmission channel....

---

<sup>1/</sup> NATA/Centrex, 101 FCC 2d 349, 359 (1985).

....

Automatic Route Selection [ARS] is a feature which allows a customer who has access to more than one type of service...to specify preferred routing for various types of calls....The BOCs argue that this use of processing capabilities of the switch to route calls according to a customer's desires is similar to call forwarding and should therefore be allowed as an adjunct to basic service.

We find the analogy to call forwarding to be persuasive. Even if ARS and associated restrictions on uses of lines and features can be said to involve interaction with stored information...the purpose of this use of the central office computer is simply to facilitate the routing of ordinary telephone calls. The customer is relieved of the necessity of deciding how a call should be routed each time a call is made, but the result of each call is no more than the creation of the transmission channel chosen by the customer.<sup>8/</sup>

These criteria have not changed in the intervening decade. Applying them to the sketchy description of PAS in Ameritech's Request reveals PAS to be primarily a basic "call routing and forwarding service" with one or perhaps more enhanced features. The only major difference between PAS and the ARS function at issue in the NATA/Centrex order is that PAS is an inbound routing service, while ARS was an outbound routing service. There are clearly some enhanced features that can be accessed from the PAS platform -- namely, the voice mail and, eventually, fax store and forward features.<sup>9/</sup> Other than those features, however, PAS is

---

<sup>8/</sup> Id. at 360-62.

<sup>9/</sup> See NATA/Centrex, 101 FCC 2d at 361. Although the recorded name screening function uses voice recording in a manner similar to voice mail, it does so "simply to facilitate the routing of

clearly a basic routing service with functions that simply facilitate the setting up of a basic transmission channel.

B. Ameritech's CEI Plan Should Therefore Offer ESPs  
Equal Access to its PAS Platform

---

Since Ameritech's PAS is basic, it should be tarified, except for the voice mail and, eventually, the fax store and forward features, and its CEI plan should be altered to refer only to voice mail and fax store and forward as enhanced services. Where a BOC intends to offer an enhanced service that utilizes the BOC's basic network services on an unseparated basis, the Commission's CEI rules require that other vendors of enhanced services be provided interconnection to those BOC basic services that is comparably efficient to the access enjoyed by the BOC's own enhanced service operation.<sup>10/</sup> This "equal access" requirement means that the BOC's enhanced service may utilize only BOC basic services that are available at the same rates, terms and conditions to all other enhanced service providers (ESPs).<sup>11/</sup>

---

ordinary telephone calls" (NATA/Centrex, 101 FCC 2d at 362), and thus is basic.

<sup>10/</sup> Amendment of Section 64.702 of the Commission's Rules and Regulations, CC Docket No. 85-229, Phase I, 104 FCC 2d 958, 1026-59 (1986) (Computer III Order), on reconsideration, 2 FCC Rcd 3035 (1987); Phase II, 2 FCC Rcd 3072 (1987), vacated and remanded sub nom., California v. FCC, 905 F.2d 1217 (9th Cir. 1990). The BOCs are authorized to continue providing enhanced services on an unseparated basis by the BOC Waiver Order (In the Matter of Bell Operating Companies' Joint Petition for Waiver of Computer II Rules, DA 95-36 (released January 11, 1995)).

<sup>11/</sup> Id. at 1036.

In other words, ESPs do not need equal access just to the basic services underlying PAS, listed in Exhibit A to the plan. They must have equal access to Ameritech's basic PAS platform itself, so that they can offer the voice mail and fax store and forward services accessed from the PAS platform on exactly the same terms and conditions as Ameritech does. It would be a violation of the CEI rules for Ameritech to offer voice mail and fax store and forward from its basic PAS platform on an unseparated basis without a CEI plan that provides for equal access to its PAS platform for all ESPs.<sup>12/</sup>

Accordingly, Ameritech's proposed CEI plan must be rejected. By mischaracterizing the entire PAS offering as enhanced, Ameritech is attempting to insulate its basic PAS platform from CEI requirements and thus deny ESPs access to it. The whole point of the CEI requirements, however, is to make access to the BOC's underlying basic services equally available to other ESPs and to its own enhanced service operations alike.<sup>13/</sup> If Ameritech intends to offer voice mail and fax store and forward services from its PAS platform on an unseparated basis, it must revise its CEI plan to provide other ESPs with CEI to its PAS platform, rather than just to the services that, in turn, underlie the

---

<sup>12/</sup> See American Telephone & Telegraph Co. Apparent Liability for Forfeiture, File No. ENF-93-02, FCC 93-407 (released Aug. 27, 1993) (AT&T apparently violated CEI/ONA rules by offering enhanced services from pay telephones without filing a CEI plan or obtaining waivers of CEI requirements).

<sup>13/</sup> Computer III Order, 104 FCC 2d at 1036.

basic PAS platform. Thus, for example, Ameritech has to make PAS available to its own enhanced operations and to other ESPs at the same rates and on the same terms and conditions, and PAS has to be available on an unbundled basis from tariffs in each jurisdiction served by Ameritech. Once Ameritech has resubmitted its CEI plan to meet the CEI requirements, it should be renoticed for public review and comment.

## II. AMERITECH'S PAS RAISES NUMBER PORTABILITY ISSUES

The Commission recently recognized the competitive importance of telephone number portability by initiating a docket for Telephone Number Portability Policies.<sup>14/</sup> The notice in that docket discusses three types of number portability -- provider, service, and geographic -- and raises a number of questions concerning how the various forms of portability should be implemented. Ameritech's PAS description raises two number portability issues. First, by offering several services via a single number, Ameritech seeks to provide a form of telephone number service portability to its own customers that is not available to competitive access providers. If Ameritech is allowed to classify PAS as enhanced, it will not be required to provide such portability to unaffiliated companies upon reasonable request. The Commission should ensure that all forms of telephone number portability -- provider, service, and geographic -- are classified as basic services to ensure that all

---

<sup>14/</sup> CC Docket No. 95-116.

parties have equal and nondiscriminatory access to PAS. Ameritech must not be allowed to undercut this policy by attempting to treat PAS as enhanced.

At a minimum, Ameritech must be required to explain why it should be allowed to pursue this particular service portability solution now, because it is unclear whether Ameritech's solution will be compatible with the ultimate result in the Commission's pending proceeding on the issue. PAS poses the threat of forestalling competitive entry by other potential service providers. A new entrant will often seek only a portion of an end user's business as a way of marketing itself to the end user. The "enhanced" service portability solution Ameritech seeks to offer, however, will lock in customers because it is the only carrier that can offer a form of number portability in advance of the Commission's forthcoming ruling on number portability. Even if the new entrant could build a competitive version of PAS, the service portability solution Ameritech seeks to offer has an anticompetitive effect unless the end user is willing to transfer all of its lines. MCI believes that such an anticompetitive form of number portability should not be allowed, at least until the Commission adopts rules requiring full number portability in CC Docket No. 95-116.<sup>15/</sup>

---

<sup>15/</sup> Ameritech's CEI Plan raises another issue as well. It states that "[t]he host end-office will... deliver calls to the PAS platform via Primary Rate Interface ISDN lines," listing Ameritech ISDN Prime Service as one of the "basic services" that will be used to provide PAS. Ameritech presents "underlying

CONCLUSION

For these reasons, Ameritech's CEI Plan for its proposed Personal Access Service should be rejected. Ameritech should not be allowed to offer PAS until it resubmits a CEI Plan that addresses each of these issues.

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION

By: Frank W. Krogh  
Frank W. Krogh  
Donald J. Elardo  
1801 Pennsylvania Ave., N.W.  
Washington, D.C. 20554  
(202) 887-2372

Its Attorneys

Dated: September 25, 1995

---

basic services" under a "[r]esale" heading. Taken together, this language seems to indicate that Ameritech will provide unbundled ISDN for resale. Ameritech provides ISDN rates in Section 15.3(F) of Exhibit A to its CEI Plan, but it does not clarify whether the rates are for both end user and resale ISDN. Ameritech should clarify whether it will provide ISDN for resale from each of its individual state basic service tariffs, and, if so, explicitly identify the applicable tariff resale rates.



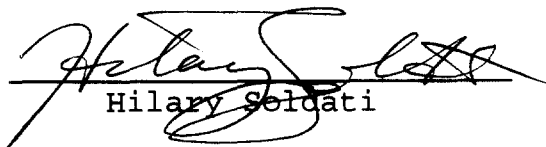
CERTIFICATE OF SERVICE

I, Hilary Soldati, do hereby certify that the foregoing  
"COMMENTS" was served this 25th day of September, 1995, by first-  
class mail, postage prepaid, on the following parties listed  
below:

Janice M. Myles  
Federal Communications Commission  
Room 544  
1919 M Street, N.W.  
Washington, D.C. 20554

ITS  
1919 M Street, N.W.  
Washington, D.C. 20554

Frank Michael Panek  
Ameritech Operating Companies  
Room 4H84  
2000 W. Ameritech Center Drive  
Hoffman Estates, IL 60196-1025

  
Hilary Soldati